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## Region 2 News Clips

Newark's water breaches levels for dangerous contaminant. And nearby towns are drinking it, too. (NJ.COM; November 2, 2018)

First it was lead. Now it's a likely carcinogenic chemical. Newark has again violated a federal standard, allowing a potentially cancer-causing contaminant to flow through the drinking water -- and the water it sells to nearby towns, according to state test records.

1, 4-dioxane found throughout Long Island (GARDEN CITY NEWS; November 1, 2018)

Last week, environmental attorney and former Environmental Advisory Board member Nicholas Rigano resigned saying that the Village didn't do enough to warn residents about the danger of the presence of a carcinogen known as 1,4-dioxane in Garden City's tap water ("Environmental Bd. member resigns over water contaminant", Garden City News, October 26, 2018). But an important question remains: what exactly is 1,4-dioxane, and how does it impact Garden City?

A flood of relief for Southeast Queens (QUEENS CHRONICLE; November 1, 2018)

In 2014, a new mayor and a still relatively new city councilman acknowledged what residents of Southeast Queens had known for a half century — something had to be done about the chronic flooding of streets and homes in even moderate amounts of rain because of a high water table and an inadequate — in some neighborhoods nonexistent — system of storm sewers.

City to check for lead in SE Queens pipes (QUEENS CHRONICLE; November 1, 2018)

City officials this coming week will be reaching out to residents in small houses owned by the New York City Housing Authority in Southeast Queens that have been identified as having water service lines that potentially are made of lead or contain lead soldering.

New York AG blasts Trump EPA plan, vows to fight it (THE BUSINESS JOURNALS; November 1, 2018)

New York Attorney General Barbara Underwood is ramping up efforts to block the Trump administration's climate agenda.

NJ's gas pipes spring 10,000 leaks a year. They get more dangerous with age (TRENTON, NORTH JERSEY NEWS; November 1, 2018)

In the past 20 years, explosions along New Jersey's labyrinthine network of natural-gas pipelines have killed five people, injured 34 and caused more than \$48 million in property damage, according to federal data.

BPU Edges Closer to Smart Meters, Asks Utilities for Cost-Benefit Analyses (NJ SPOTLIGHT; November 1, 2018)

Most of the country has embraced smart meters, but not New Jersey. With the state charting a green energy future, along with pressure to reduce power outages and their duration, some are saying: Why not now?

Gas Utility Figures to Spend More than \$500M to Replace 300 Miles of Old Pipes (NJ SPOTLIGHT; November 1, 2018)

Elizabethtown Gas yesterday filed a proposal to spend \$518 million over the next five years to replace more than 309 miles of gas mains and to make other investments in its system

Asbestos Delays Greenpoint Library Opening Until Summer 2019 (BKLYNER; October 31, 2018)

The new Greenpoint Library, originally scheduled to be completed in December 2018, won't be ready for readers until sometime next summer due to the discovery of subsurface asbestos during construction.

Gas pipeline planned for waters off Island coast triggers environmental concerns; forum set (STATEN ISLAND ADVANCE; October 27, 2018)

Activists are concerned about the proposed \$1 billion Northeast Supply Enhancement Pipeline project that would require construction to take place just miles off the East Shore of Staten Island and other parts of New York.

## National News

### Emissions

E&E News: Texas asks Trump EPA to delay emissions reduction program

Environmental Defense Fund: Proposed Clean Power Plan Replacement is "Appalling Abandonment" of EPA Responsibility

E&E News: White House sped review of methane rule delay

### Chemicals

Chemical Watch: EPA's Jeff Morris lays out TSCA implementation priorities

Chemical Watch: US NGOs notify EPA of intent to sue over methylene chloride

Deltafarmpress: EPA extends dicamba registration for two years

### EPA

E&E News: Racist messages found at headquarters

## Full Articles

### Region 2 News

NJ.COM

Newark's water breaches levels for dangerous contaminant. And nearby towns are drinking it, too.

By Michael Warren

November 2, 2018

First it was lead. Now it's a likely carcinogenic chemical.

Newark has again violated a federal standard, allowing a potentially cancer-causing contaminant to flow through the drinking water -- and the water it sells to nearby towns, according to state test records.

The state records show Newark's water contains high levels of haloacetic acids, a group of five possibly carcinogenic chemicals that are byproducts of the water disinfection process. People exposed to elevated levels of haloacetic acids for years are at an increased risk of getting cancer, according to the U.S. Environmental Protection Agency.

The test results deal yet another blow to public trust in Newark's water system.

The city is already under pressure to address elevated levels of lead in its drinking water and recently acknowledged it wasn't properly treating the water for corrosive properties at one of its plants.

The elevated levels of haloacetic acids are not considered an acute public health emergency by state and federal authorities, according to Kareem Adeem, the city's deputy director of water and sewer utilities.

He said Newark is aware of the high levels of haloacetic acids and is working to solve the problem. Specifically, Adeem said the city is making changes to its disinfection process and instituting a flushing program to remove old water from the system more quickly.

He said there were no additional problems with how the department was treating its water. He said "recent increases in organic material in source water and demands for higher chlorine dosages" caused a recent spike in haloacetic acids.

At least one water expert disagrees.

"The answer is for the city to get its act together," said Erik Olson, a drinking water expert for the Natural Resources Defense Council, an environmental advocacy group. The NRDC has also sued the city and the New Jersey Department of Environmental Protection over Newark's "dangerously" high levels of lead.

Chlorine is added to water supplies to clear them of bacteria. Olson said haloacetic acids are created when chlorine reacts with natural matter like leaves in the water. Having elevated levels of haloacetic acids is indicative of problems with how Newark is disinfecting its water, he said. The disinfection process, he said, needs to be adjusted so fewer of the acids are produced.

The maximum acceptable levels of haloacetic acids in drinking water, according to federal standards, is 60 parts per billion. The water coming from Newark's system, based on an average of the last four quarters, has haloacetic acid levels as high as 81 parts per billion in one testing site.

Of the city's 12 testing sites, eight recorded elevated average levels of haloacetic acids. One of those sites: Newark's Health Department building on Williams Street.

### **Surrounding towns affected**

More than 270,000 Newark residents drink the city's water that comes from two sources, the Wanaque Water System and the Pequannock Water System.

Pequannock serves every part of Newark except for the city's East Ward.

The elevated levels were found at various test sites around the city and not at the treatment plants.

Eight municipalities buy some or part of their water from Newark to serve their own residents. Those towns are Bloomfield, Belleville, East Orange, South Orange, Nutley, Liberty Township, Raritan and Pequannock Township. At least 500,000 customers are served by the Newark water system, according to the EPA.

New Jersey American Water, which operates the water systems in Liberty and Raritan, said their water supply was not affected. Raritan only purchases Newark water during emergencies.

Belleville exceeded the federal standard for haloacetic acids in June and again in September of this year, records show. Bloomfield has violated the standard repeatedly since 2017.

"This mayor, this council, me as the administrator and the engineers, we are very, very concerned," Bloomfield's township administrator Matthew Watkins said. He said the township was "addressing our problem holistically" and has invested \$10 million in improving its water system.

In the township's September public notice, informing residents of the presence of the contaminants, officials said they were working on building their own water pump.

Watkins said the intent of building a new facility was to save money. It should be operational by 2020 with the goal of supplying 75 percent of the town's water.

"Now, the water quality is obviously an issue," Watkins said. "We'd like to think that Newark is taking responsible action to correct the situation."

Belleville officials did not immediately return a request for comment.

Elevated levels of haloacetic acids have been found in water systems across the country.

### **Previous problems**

The NJDEP's Bureau of Safe Drinking Water determined that Newark's water violated the standard on Oct. 3, and officially issued a violation on Nov. 1.

This is not the first time that Newark's water has been found with elevated levels of haloacetic acids. According to NJDEP Spokesman Larry Hajna, the city has violations dating back to the fourth quarter of 2003 up through 2005. Hajna added that the city was previously able to bring its water back into compliance.

The EPA learned of Newark's haloacetic acids violation this week but had not taken any enforcement action, according to spokeswoman Tayler Covington. She added that enforcement is up to the NJDEP.

Newark is preparing to send letters to affected residents on Nov. 4 notifying them of the elevated levels of haloacetic acids, as required by the state, according to Adeem. The city must also submit a plan to address the contamination within 30 days of receiving the violation from NJDEP, and the city has one year from the violation date to bring its water system into compliance.

The coming public notification only compounds questions about Newark's drinking water quality, as the city is also dealing with elevated levels of lead and distributing filters to affected residents.

The city has blamed the lead issues on aging service lines and is in the process of replacing them over the next eight years. But the problem is two-fold. Earlier this month, city officials acknowledged its corrosion control treatment to reduce the water's corrosive properties at the Pequonnock plant was no longer effective. As water corrodes and eats away at the aging pipes, lead can leach into the water.

Newark officials have maintained there is nothing wrong with the water they are supplying, or the water mains that distribute it.

Haloacetic acids, sometimes called HAAs or HAA5, include five chemicals that are byproducts of chlorine disinfection. The five chemicals are dichloroacetic acid, trichloroacetic acid, chloroacetic acid, bromoacetic acid and dibromoacetic acid.

Adeem noted that haloacetic acids are "possibly carcinogenic to humans because of evidence of carcinogenicity in laboratory animals and limited evidence in people." According to the nonprofit Environmental Working Group, haloacetic acids have been linked to bladder cancer in humans as well as liver cancer in animals.

Vulnerable populations, like pregnant women, are particularly at risk from haloacetic acids according to Tasha Stoiber, a senior scientist for Environmental Working Group, a non-profit that advocates for stricter drinking water standards.

"I think for vulnerable populations, I would be cautious since disinfectant byproducts in general can be very harmful during pregnancy," Stoiber said.

If the haloacetic acids levels were a health emergency, Adeem said that the public would've been notified within 24 hours. But since this is not considered an emergency, he said, the notices did not go out when the city learned of the violation in early October.

"If I was a consumer, I would probably want to know as soon as possible," Stoiber said.

[BACK TO TOP](#)

## GARDEN CITY NEWS

### [1, 4-dioxane found throughout Long Island](#)

By Garrett Norris

November 1, 2018

Last week, environmental attorney and former Environmental Advisory Board member Nicholas Rigano resigned saying that the Village didn't do enough to warn residents about the danger of the presence of a carcinogen known as 1,4-dioxane in Garden City's tap water ("Environmental Bd. member resigns over water contaminant", Garden City News, October 26, 2018). But an important question remains: what exactly is 1,4-dioxane, and how does it impact Garden City?

1,4-dioxane, also called "p-dioxane" or ambiguously shortened to just "dioxane," is a synthetic compound used as a chemical stabilizer in certain manufacturing processes. The "1,4" part of the name refers to the exact configuration of atoms within the molecules, hence there are also other types of dioxane— 1,2-dioxane and 1,3-dioxane—but only the 1,4 isomer is used for commercial purposes. And despite being classed by the EPA as a "likely human carcinogen," 1,4-dioxane levels in drinking water are not currently regulated by the federal government the way many other contaminants are.

#### Found in many products

"In addition to tap water, it is also absurdly found in many household products such as soaps, shampoos, baby products, lotions and cosmetics," said Nicholas Rigano in an email. According to a fact sheet by the EPA, 1,4-dioxane may even be found in foods and supplements, making its way into these goods through packaging, adhesives, and pesticides. But despite its ubiquity, there is a strong and growing body of evidence of its health effects: liver and kidney damage, cancers, and even possible reproductive effects are all among the list of potential ills caused by long-term exposure. It is estimated that levels of 1,4-dioxane of as little as 0.35 parts per billion—or roughly twenty drops in an Olympic-sized swimming pool—is enough to raise the incidence of cancer by one in one million when ingested over the course of a lifetime. Consequently, the EPA has set a health advisory recommending that tap water not exceed this value.

The one-in-a-million risk factor is important because it's traditionally what regulators use to determine what acceptable risks are when creating guidelines. New York State has yet to declare a specific maximum contaminant level for 1,4-dioxane, instead limiting all unregulated contaminants to a maximum of fifty parts per billion— over a hundred times the EPA's recommendation for the compound. It is also important to note that cancer risk from this substance is thought to scale in a linear way, meaning that a level of 3.5ppb, or ten times the one-in-a-million risk level, correlate to a risk factor of one in 100,000. Reportedly, Garden City's most polluted well may have levels that are fourteen times the one-in-a-million risk level. Water quality reports as of 2013 indicate that levels in tap water are between 1.1 and 3.9ppb, although the full well-by-well test breakdown from that year is not available online. No more recent water quality tests of 1,4-dioxane have been made publicly available.

This problem isn't unique to Garden City. "Long Island was a hotbed for industrial activity and contamination. There are over 249 active cleanup sites on Long Island and many more closed ones," Rigano remarked. "According to data supplied by the EPA, Hicksville had a well detect 1,4-dioxane at one of, if not the highest, levels in the nation at 34 ppb. Bethpage

Water District, Suffolk County Water Authority, and the Water Authority for Western Nassau have found levels up to 8.7 ppb, 4.34 ppb, and 10 ppb, respectively.” Hicksville has since shut down its contaminated well, while the Bethpage, Suffolk, and Western Nassau are reportedly engaging a pilot program to implement new technology aimed at removing 1,4-dioxane and other compounds like it.

Much of the reason the state and federal governments have not yet established limits on 1,4-dioxane lies in the difficulty of removing the chemical from drinking water and the cost of adding new infrastructure. “Treatment is not yet fine-tuned,” continued Rigano in his email. “Recently, New York State made \$200 million in grant funding available to municipal water suppliers to combat emerging contaminants such as 1,4-dioxane and PFOA/PFOS,” he continued, referencing perfluorooctane sulfonate and perfluorooctanoic acid, another type of emerging chemical contamination present in many water supplies. “So far, treatment by ‘Advanced Oxidation Process’ has been found to be effective at treating 1,4-dioxane. It generally involves use of chemical reactions to oxidize 1,4-dioxane (and other substances) into non-hazardous compounds. I have been told that this treatment may cost anywhere between \$1 million to \$3 million per well, maybe more. But again, neither the technology nor the cost are well settled.” If the state were to set the limit in accordance with the EPA’s advisory, for example, Garden City would have to treat every one of its ten wells—and if it costs what Rigano estimates, that would incur a sizable cost for the Village.

Can you remove it yourself?

For the average resident, there is little that individuals can do to remove the contaminant from their tap water themselves. Reverse osmosis reduces exposure, but doesn’t eliminate it. Normal filtration is totally ineffective. Though the contaminant is volatile at high temperatures, boiling water is not recommended since it may further concentrate any other contaminants that are present in the water. Rigano himself says that he gets bottled water delivered monthly to his home for him and his family to drink, and he recommends others consider doing the same.

The former Environmental Advisory Board member also underscores the importance of finding a long-term solution for curbing contamination at its source: “New York City fixed this issue. They pipe all of their drinking water from the Catskills, a pure source. According to the CDC, cancer rates are far lower in New York City than Nassau and Suffolk Counties,” he said, referencing a 2015 report showing that Nassau had a ten to fifteen percent higher incidence of all types of cancers than the City, with Suffolk’s rate being even higher (though it is important to note that cancer can also be caused by many factors besides the water supply). “Our local, state and federal officials need to think bigger than putting treatment on wells or shutting them down. [...] As years pass, new contaminants are discovered. 1,4-dioxane is the now issue. What other contaminants are in our water?”

[BACK TO TOP](#)

QUEENS CHRONICLE

[A flood of relief for Southeast Queens](#)

By Michael Gannon

November 1, 2018



In 2014, a new mayor and a still relatively new city councilman acknowledged what residents of Southeast Queens had known for a half century — something had to be done about the chronic flooding of streets and homes in even moderate amounts of rain because of a high water table and an inadequate — in some neighborhoods nonexistent — system of storm sewers.

Over the next two years, Mayor de Blasio and Councilman Donovan Richards (D-Laurelton), then the Environmental Committee chairman, pledged nearly \$2 billion to repair, replace or build in 10 years what was previously thought to require 40 or more.

Last week, Commissioners Vincent Sapienza of the city's Department of Environmental Protection and Lorraine Grillo of the Department of Design and Construction visited residents of Rochdale to update them.

"Shovels in the ground in southeast Queens mean we are one step closer to a true drainage system and some peace of mind for residents and businesses," Sapienza said in a statement issued by the DEP on Oct. 24. "As we complete each of these projects we will see better drainage, safer roadways, a healthier Jamaica Bay and higher property values across these long underserved neighborhoods."

The DEP said about 20 percent of the funding has been committed to 10 completed projects and another 10 that are under construction. Another 25 projects are in the planning and design phase. Neighborhoods receiving upgraded drainage systems include St. Albans, Rosedale, Jamaica, Laurelton, Springfield Gardens and others.

Grillo pointed out that in some places large ponds can take days to go away.

"We're very happy to enjoy the support of the Mayor and to work with our partners at DEP to implement the largest systematic street restoration program in the five boroughs," she said.

Richards reiterated that flooding had been his highest priority upon being elected.

"Thankfully, Mayor de Blasio stepped up to address this systemic issue that has been ignored by administration after administration," he said. "This \$1.9 billion commitment has finally set Southeast Queens on a path to eliminate the flooding issues that have caused so many residents emotional and financial turmoil."

The DEP said residential and commercial development of Southeast Queens outpaced the construction of public infrastructure, including storm sewers. De Blasio in 2015 announced the allocation of funds for the construction of a robust drainage system for the area.

The bulk of the funding will go to the construction of large trunk sewer spines along 150th Street, Guy R. Brewer Boulevard, Farmers Boulevard and Springfield Boulevard. The first of those projects just recently broke ground. Dozens of local sewer projects will connect neighborhoods to the trunk sewer spines. "Bluebelts are also being constructed to help manage stormwater at Springfield Lake, Baisley Pond, Twin Ponds and Brookville Triangle.

Funding is also going to projects to alleviate flooding more quickly than the large sewer construction projects. They include smaller sewer extensions to relieve flooding on a block-by-block basis, and the addition of green infrastructure along roadways and at schools, playgrounds and other facilities.

As part of the Rochdale project, more than 1,550 feet of storm sewers will be installed and an additional 6,600 feet of existing lines will be replaced with new, larger pipes, some as large as 66 inches in diameter. Up to 11,000 feet of old sanitary sewers will be replaced, in many locations with larger pipes ranging up to 36 inches in diameter. To further improve street drainage, 44 new catch basins will be installed and 87 will be replaced.

The project will also see the replacement of 18,000 feet — just over 3.4 miles — of old cast iron water mains, some dating back to the 1920s, that were installed by the old Jamaica Water Supply Co. Sixteen new fire hydrants will be added to the area and 32 older ones will be replaced with new ones. It is anticipated that portion of the project will be completed in 2020.

Assemblywoman Alicia Hyndman (D-Springfield Gardens) said work cannot come too soon for residents and business owners who have suffered for decades.

“With upgraded pipes and water mains, residents will no longer have to live in fear of the next storm,” she said.

[BACK TO TOP](#)

## QUEENS CHRONICLE

### [City to check for lead in SE Queens pipes](#)

By Michael Gannon

November 1, 2018

City officials this coming week will be reaching out to residents in small houses owned by the New York City Housing Authority in Southeast Queens that have been identified as having water service lines that potentially are made of lead or contain lead soldering.

In a statement issued on Friday, the city’s Department of Environmental Protection said the effort involves 54 properties — mostly one- to three-family houses — that once were under the Federal Housing Administration before coming under NYCHA’s control.

The DEP said the properties came to its attention during a routine check that is part of the agency’s effort to reduce lead exposure.

The agency stressed that the move is precautionary and preventive in nature, saying the city’s Department of Health and Mental Hygiene has never connected a case of elevated blood levels to the water supply.

Department of Sanitation Commissioner Kathryn Garcia, recently appointed as senior advisor for citywide lead prevention by Mayor de Blasio, told the Chronicle on Friday the DEP has been reviewing the possibility of lead or lead-tainted lines from city buildings under the existing program since the early 2000s.

“This is not something new that DEP does,” Garcia said. The review is conducted every two years, she said, and inevitably turns up properties the agency wants to take a closer look at. When lead is found, the pipes are replaced.

The commissioner said when lead service lines to privately owned properties break, city regulations require that they cannot be repaired, but must be replaced by the homeowner.

She also said there is no need for residents to be worried.

“The message we’re telling everyone is that our water supply is the safest thing to drink in New York City,” she said, with some 600,000 analysis procedures done on the drinking water each year.



Lead service lines were commonly used in New York City prior to 1961, when they were outlawed in new construction. They are most prevalent in one- to three-family homes, as larger buildings required a larger service line, which was not commonly composed of lead.

“Lead isn’t strong enough for larger buildings,” Garcia said.

Inhalation or ingestion of lead can lead to learning disabilities in children and other maladies. The DEP said all documented cases have come from sources such as soil and paint chips.

“Although New York City tap water is lead-free when delivered to each property, it can pick up lead when it travels through private pipes that may be made of lead or may contain lead solder,” the DEP said in its statement. “DEP takes steps to protect the water from lead, including adding a baking soda-like substance to the water supply that coats the inside of pipes and helps to prevent any leaching, but the ultimate solution is the removal of all lead pipes.”

The agency added there are no lead pipes in DEP’s water delivery system.

The DEP said NYCHA will coordinate with the residents of the 54 homes to allow for the inspection, which will require access to the basement areas to examine the service lines and, if it is determined that they are made of lead, to have them replaced. Replacement work will take place over the following several weeks.

If any work is necessary, NYCHA will coordinate with the residents of each home and the DEP will fund any necessary replacements.

Replacing a service line typically requires excavating in front of the home and a temporary water shut-off for a few hours to connect the new pipe.

[BACK TO TOP](#)

## THE BUSINESS JOURNALS

### [New York AG blasts Trump EPA plan, vows to fight it](#)

By Anthony Noto

November 1, 2018

New York Attorney General Barbara Underwood is ramping up efforts to block the Trump administration’s climate agenda.

Recall how the Environmental Protection Agency in August proposed to repeal the Obama administration's climate plan for coal plants and replace it with President Trump’s Affordable Clean Energy rule, or ACE.

Underwood is now leading New York — one of 26 states in a coalition — to abandon the proposed replacement, stating that ACE has factual inaccuracies, analytical errors and legal flaws.

According to a prepared statement, Underwood says:

In the face of increasingly devastating heat, storms, and floods, the Trump administration continues to push reckless policies that will only worsen climate change and its dire harms. The Trump EPA’s proposed replacement for the Clean Power Plan will prop up dirty and expensive coal power plants, undercut clean and sustainable electricity, and leave New Yorkers and other Americans to foot the bill. As I’ve made clear, if the Administration adopts this grossly illegal rule, my office will work with our state and local partners to file suit to block it.

The Obama plan called for reducing states' carbon emissions 32 percent by 2030. ACE, meanwhile, focuses on making it easier for coal plants to make efficiency upgrades. But Underwood and other Democratic AGs argue that the upgrades will do little to lower carbon-dioxide emissions.

In regard to the proposed new plan that was unveiled in August, EPA Acting Administrator Andrew Wheeler said in a statement at the time: "The ACE Rule would restore the rule of law and empower states to reduce greenhouse gas emissions and provide modern, reliable, and affordable energy for all Americans. Today's proposal provides the states and regulated community the certainty they need to continue environmental progress while fulfilling President Trump's goal of energy dominance."

[BACK TO TOP](#)

## NORTH JERSEY NEWS

### NJ's gas pipes spring 10,000 leaks a year. They get more dangerous with age

By James Nash, Trenton Bureau

November 1, 2018



In the past 20 years, explosions along New Jersey's labyrinthine network of natural-gas pipelines have killed five people, injured 34 and caused more than \$48 million in property damage, according to federal data.

The good news: New Jersey accounts for only 2 percent of such serious pipeline incidents nationwide, despite having 3 percent of the pipelines and 3 percent of the population. The bad news: As the state's network ages, the number of explosions resulting in death or injury is increasing.

A series of explosions that rocked suburban Boston communities in September put the issue of pipeline safety back in the headlines. One person was killed and 25 were injured when fires and explosions ripped through dozens of homes, the apparent result of over-pressurized pipelines.

New Jersey hasn't had a fatal pipeline explosion since 2014, when a leak apparently caused by workers digging at a housing development led to an explosion that killed a woman in Ewing while injuring seven utility workers and leveling 11 homes. That incident led to \$1.6 million in fines against contractors and Public Service Electric & Gas, by far the largest penalty against a utility in the past five years.

Two decades earlier, in the state's most destructive modern pipeline inferno, 14 apartment buildings were leveled in Edison, leaving 100 people homeless and one dead of a heart attack. It was blamed on damage from a backhoe.

Pipeline safety advocates say it's mostly good fortune that has spared New Jersey more serious or frequent incidents, noting that the age and condition of the more than 70,000 miles of pipelines crisscrossing the state leaves communities vulnerable. Pipelines are at their highest risk of major incidents within their first five years and after they're several decades old — descriptions that apply to a large share of the state's network, said Patty Cronheim of ReThink Energy NJ, which advocates alternatives to fossil fuels



**In this image take from video provided by WCVB in Boston, flames consume a home in Lawrence, Mass, a suburb of Boston, on Sept. 13. (Photo: WCVB via AP)**

Lynda Farrell, who heads the Pipeline Safety Coalition, said New Jersey's regulations governing certification of natural-gas pipelines are among the least stringent in the country.

"Nationally we're in pretty damn bad shape, not only when it comes to the consistency of regulations but also in having the needed powers to regulate," she said. "The reason for the absence of that regulation is simply that the industry has always written the safety regulations."

But Farrell also said state officials have been "stepping up to the plate" in recent years, noting that interest in pipeline safety fluctuates. Since taking office early this year, Gov. Phil Murphy has appointed a new president of the New Jersey Board of Public Utilities, which regulates gas pipelines.

"We've got people who understand the costs of not paying attention to safety," Farrell said.

Jim Giuliano, director of reliability and safety for the Board of Public Utilities, said state regulators go beyond federal minimums in enforcing safety rules. State regulators force utilities to replace older cast-iron pipes, vigilantly monitor any excavation work that could rupture pipelines or set off explosions, and focus on risks such as high pressures that test the resilience of pipes. Still, he admitted that the work of actually inspecting the pipelines, using magnetic resonance to detect any irregularities, is done by the operators themselves.

"Because New Jersey is very dense and has a very dense infrastructure and population, we have the right and the prerogative to set broader and more stringent standards," he said.

He declined to give New Jersey's network of pipes — which is nearly twice the length of all of the state's roads combined — an overall letter grade. Much of the state's focus is on excavation work that could rupture natural-gas pipelines, Giuliano said, noting that such work was blamed for the Ewing and Edison explosions.

"Third-party damage is something that you have to look out for, especially with all of the construction going on in New Jersey," he said.

The Board of Public Utilities documented 13 major incidents involving gas utilities in the past five years. Of those, six were attributed to the work of excavators and other contractors. Three of the incidents resulted in fines against contractors and the utilities.

Even without construction-related damage, New Jersey's gas pipelines can fail due to old age — particularly cast-iron pipes that were prevalent before the 1960s. In the course of a year, the system springs some 10,000 leaks, the vast majority of which are small and relatively harmless.

The state's largest utility, PSE&G, said it stopped using leak-prone cast iron in its pipes in the 1960s and has replaced about 42 percent of those pipes since then. The company said its “highly successful” strategy has reduced the number of leaks to about 8,000 per year, equivalent to less than one leak annually for every 4 miles of pipeline.

New Jersey Natural Gas, which serves Monmouth, Ocean, Morris, Middlesex and Burlington counties, became the first natural gas utility in the state to eliminate all of the cast iron main from our system, in 2015. The utility has about one leak per 10 miles of pipeline annually, it said in response to questions.

The state's other gas utility company, South Jersey Industries, which operates as South Jersey Gas and Elizabethtown Gas, did not provide equivalent information requested by USA TODAY Network New Jersey. South Jersey Gas has accelerated its pipeline replacements since 2009, while Elizabethtown Gas has done so since 2006, according to a statement from South Jersey Industries.

Of the three utility companies, only PSE&G released a copy of its most recent pipeline safety plan, blacking out some pages that it said contained sensitive information. The Board of Public Utilities also did not release the safety documents requested by USA TODAY Network New Jersey, citing security concerns.

[BACK TO TOP](#)

## NJ SPOTLIGHT

### [BPU Edges Closer to Smart Meters, Asks Utilities for Cost-Benefit Analyses](#)

By Tom Johnson

October 1, 2018



Most of the country has embraced smart meters, but not New Jersey. With the state charting a green energy future, along with pressure to reduce power outages and their duration, some are saying: Why not now?

More than 70 million Americans have smart meters — a two-way communications network between a utility and its customers. The systems, also known as advanced metering infrastructure (AMI), help ratepayers better manage energy use and reduce monthly bills, according to advocates.

AMI also may help utilities pinpoint power outages, respond more quickly when they occur, and restore electricity more rapidly. After years of punting on the issue, state regulators are taking a new look at the benefits, upsides, and costs of

smart meters, asking utilities to submit cost-benefit analyses on whether AMI can improve storm responses following a series of nor'easters this spring that left hundreds of thousands without power.

### **BPU gets smarter**

That was a significant shift for the state Board of Public Utilities, which imposed a moratorium on implementing smart meters last fall after approving a pilot program for Rockland Electric's 74,000 customers. The agency wanted to determine how well that pilot worked and whether it delivered the touted benefits.

Public Service Electric & Gas says there is no need to wait. The state's largest utility submitted a filing, dubbed Energy Cloud, last month seeking to spend \$794 million over the next six years to transform it "into a smart energy services company." The core of the program would convert its 2.2 million electric meters to smart meters by the end of 2024.

Ralph Izzo, president, CEO, and chairman of PSEG, the utility's parent, told analysts yesterday on a quarterly earnings call that the filing is not premature. It is spurred, in part, by Gov. Phil Murphy's green energy agenda, which seeks to have 100 percent of New Jersey's electricity come from clean energy by 2050.

"The value of the information that one can extract from advanced metering infrastructure to help their customers use energy more intelligently to reduce their energy consumption is, I think, an important consideration for policymakers in achieving what the governor is outlined as priorities," Izzo said.

### **Rate counsel disagrees**

But Stefanie Brand, director of the New Jersey Division of Rate Counsel, argued there is nothing in the governor's agenda that requires the kind of expenditures envisioned by PSE&G. "It's a huge moneymaker for the company," she said. "That's why they want to do it."

The reason why smart meters have not been widely adopted in New Jersey is because utilities have failed to justify the expenditures in cost-benefit studies, Brand said. Most of the alleged savings primarily result from lost jobs — the utility eliminating meter readers, Brand said.

If its Energy Cloud program is implemented, however, PSE&G said it would produce an estimated \$1.7 billion in customer savings over 20 years — more than \$2 saved for every dollar invested. The company also said the network of smart meters will help pave the way for broader adoption of clean energy.

Paul Patterson, an energy analyst at Glenrock Associates, agreed. "You need a higher degree of intelligence because it's less predictable," he said, referring to the intermittent nature of renewable energy, like solar and wind power. "There is a rationale as you increasingly rely on renewables, you need more real-time information about what's going on."

### **Unanswered questions**

Others, however, said there are still many unanswered questions about smart meters, including how they link into renewable energy and energy efficiency initiatives, as well as impacting rates.

"There are a lot of potential benefits, but there also are a lot of expenses," said Frank Felder, director of the Center for Economic, Energy and Environmental Policy and the Rutgers Energy Initiative. "If the utility saves money (by eliminating jobs), why charge the customers?"

Still, others argued smart meters are the wave of the future. "To create a 21st century grid, we need smart meters. We need to start this transition," said Doug O'Malley, director of Environment New Jersey. "The BPU should not hand out a blank check; the board needs to do due diligence on smart meters."

[BACK TO TOP](#)

## Gas Utility Figures to Spend More than \$500M to Replace 300 Miles of Old Pipes

By Tom Johnson

November 1, 2018



Credit: PSE&G

Elizabethtown Gas yesterday filed a proposal to spend \$518 million over the next five years to replace more than 309 miles of gas mains and to make other investments in its system

The filing with the New Jersey Board of Public Utilities is the latest by utilities in the state, which have ramped up capital spending to modernize an aging gas distribution system at a time when gas prices have dropped considerably in the past decade, cushioning the impact of those expenditures on customers.

The proposed program includes replacing vintage cast-iron and bare steel mains and services as well as iron, copper and dated plastic mains, some of which are more than 100 years old, according to the utility.

“We are committed to providing our 292,000 customers with safe, reliable affordable natural gas service, and the modernization of our infrastructure reinforces that commitment,” said Brian MacLean, president of Elizabethtown, which was acquired by South Jersey Industries in a deal completed this past July.

### **Accommodating high-efficiency appliances**

The investments also will upgrade low-pressure systems to elevated pressure, accommodating high-efficiency appliances and newer technologies such as natural gas generators as well as the installation of excess-flow valves on each service line, further reinforcing the safety of the utility’s system.

MacLean said the proposal enhances “our long-term system reliability and ensures that we safely meet our customers’ growing needs well into the future.” Customers will not be impacted by an immediate rate change, as a result of this program.

For the BPU, the filing piles more work on an agency facing an ever-increasing workload. It now has filings to invest in infrastructure upgrades under new rules designed to expedite investments in the power grids from Jersey Central Power & Light, Atlantic City Electric and Public Service Electric & Gas. Earlier this year, the BPU also approved a \$1.9 billion plan to replace aging cast-iron gas pipelines for PSE&G.

[BACK TO TOP](#)

BKLYNER

## Asbestos Delays Greenpoint Library Opening Until Summer 2019

By Paul Stremple

October 31, 2018



The new Greenpoint Library, originally scheduled to be completed in December 2018, won't be ready for readers until sometime next summer due to the discovery of subsurface asbestos during construction.

Not only did workers find asbestos at the site, but construction was also slowed due to the unexpected discovery of remnants of the original Carnegie Library, which was built in 1906, said a Brooklyn Public Library (BPL) spokesperson.

The construction site, located at Norman Avenue and Leonard Street, is just a block away from P.S. 34. According to the BPL "the [asbestos removal] work was performed in very safe and secure locations where nobody was permitted, and in strict accordance with Department of Labor requirements. Constant air monitoring was conducted outside the enclosed abatement work areas ensuring that friable asbestos containing material (ACM) was not released."

Library officials believe all the asbestos work is complete, said the spokesperson.

The branch is undergoing a complete reconstruction to replace the "undersized and outdated" original, which was torn down last year. A groundbreaking was held in October of last year celebrating the reconstruction of the site into a modern library focused on environmental stewardship.

But one year later, there doesn't appear to be too much progress behind the green construction walls. On Wednesday, October 31, the site was quiet when Bklyner visited:

Signs outside the site still list a completion date of December 2018, but it seems clear that the work won't be done in time. On the library's website, the completion date was recently updated to reflect the revised timetable.

Along with the asbestos and the remnants of the original structure, construction of the new building's foundation was delayed by rain. The BPL spokesperson said soil at the site doesn't drain well and the wet soil has hindered construction.

The building being replaced was one of Brooklyn's busiest library locations, said Brooklyn Public Library President Linda E. Johnson at the groundbreaking last year. There have been libraries in Greenpoint for the last 111 years, she added, referencing the Carnegie library, which was torn down in the 1970s.

The new library is being built in part with a \$5 million grant from the Greenpoint Community Environmental Fund (GCEF), the facility will provide a location for community education on environmental issues and advocacy along with its traditional library functions. The library will offer 300 hours of environmental programming each year.



A rendering of the new

Greenpoint Library and Environmental Education Center (Via Marble Fairbanks)

Designed by Marble Fairbanks, the new building will receive a LEED Gold Building Certification, reducing energy consumption by 80% and saving 50,000 gallons of water per year. It will feature accessible green space and rain gardens on the roof, along with solar panels and rainwater cisterns.

Greenpoint's troubled environmental history was the impetus for a new library space that focused on environmental education. The Exxon Mobil oil spill in Greenpoint was the largest terrestrial spill in the USA, and a recent study revealed high levels of lead contamination in backyard soil throughout the neighborhood.

While construction continues, a number of alternatives—like a nearby bookmobile and pop-up library—will be available to Greenpoint residents.

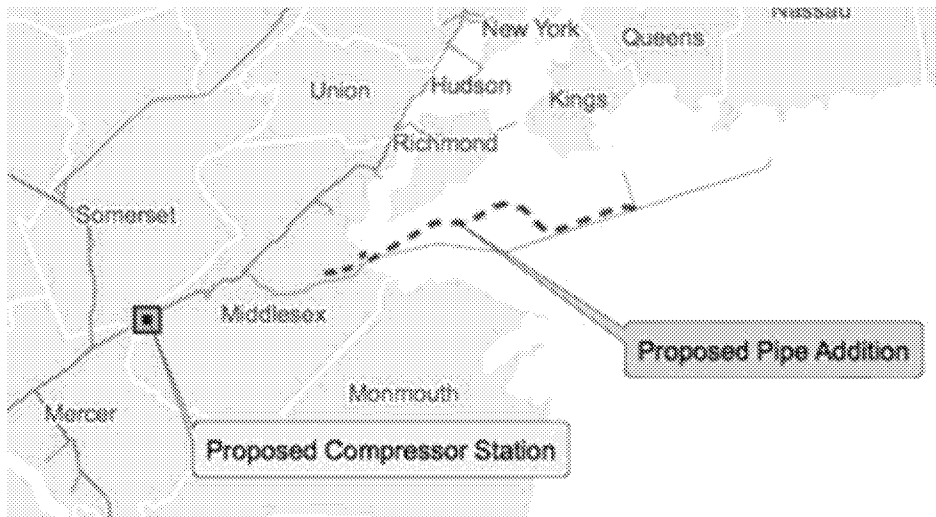
[BACK TO TOP](#)

## STATEN ISLAND ADVANCE

Gas pipeline planned for waters off Island coast triggers environmental concerns; forum set

By Kristin F. Dalton

October 27, 2018





STATEN ISLAND, N.Y. -- Activists are concerned about the proposed \$1 billion Northeast Supply Enhancement Pipeline project that would require construction to take place just miles off the East Shore of Staten Island and other parts of New York.

Proposed by Williams, a public company that holds federal contracts, the project would add 37 miles of pipeline to the existing Transco pipeline.

The New York City chapter of Surfrider is opposed to the pipeline and is holding a community forum to inform Staten Islanders about the dangers they say the pipeline will pose to the borough.

"The Surfrider Foundation is dedicated to the protection and enjoyment of the world's ocean, waves and beaches through a powerful activist network," according to its website

The forum will be held on Oct. 30 from 6 to 7:45 p.m. at the St. George Library, located at 5 Central Ave.

"Our collective position is that [the pipeline] will be horrible for the New York bay. It's back to being what it once was, as healthy as it's ever been; the whales are back and this pipeline puts this at risk," said Noelle Picone, campaign lead volunteer.

Chris Stockton, Williams' spokesman, said that the expansion pipeline "would not directly affect Staten Island."

"The existing line is operating at capacity, so the second line is needed to bring more natural gas. It also serves as a backup should the existing line fail," Stockton told the Advance.

Karen Young, National Grid spokeswoman, said the project is needed as the demand for natural gas continues to increase across National Grid's New York Metro area.

"The project aligns with the region's clean energy transition policies and will help reduce emissions," Young told the Advance.

National Grid converts about 8,000 new residential and commercial customers to natural gas per year and the conversions will reduce local emissions by 300 tons per year, Young explained.

Picone said the pipeline goes against the city and state's forward thinking stance on energy and the focus should be on wind and solar energy.

## **PERMITS DENIED BY DEC**

A New York state Department of Environmental Conservation (DEC) spokesman said it denied a water quality certification permit in April 2018 because Williams did not complete its application in a timely manner, as well as a missing environmental review from the Federal Energy Regulatory Commission (FERC).

Williams needs a Water Qualification Certification under Section 401 of the Clean Water Act, in addition to other DEC permits, in order to move forward with the project.

In its denial letter to Williams, DEC said, "...the construction of the project could have significant water quality impacts in New York State. This includes potentially significant impacts from the resuspension of sediments and other contaminants, as well as to habitats due to the disturbance of shellfish beds and other benthic resources."

The spokesman said DEC is currently reviewing new applications for the permits, which will include an opportunity for public comment before a final decision is made.

"All such permit applications are subjected to a rigorous review to ensure proposed projects are protective of public health and the environment," the spokesman said.

If permit approval goes according to plan, construction of the pipeline would begin in fall or winter of 2019 with a completion date of 2020-2021.

[BACK TO TOP](#)

## National News

### E&E News: Texas asks Trump EPA to delay emissions reduction program

<https://www.eenews.net/energywire/2018/11/01/stories/1060104869>

Mike Lee - Thursday, November 1, 2018

Texas' three environmental regulators agree with parts of the Trump administration substitute for the Obama-era Clean Power Plan, but they want the administration to delay any action until court challenges to the plan are resolved.

The Clean Power Plan, proposed by EPA in 2014, was aimed at addressing climate change by limiting greenhouse gas emissions from existing electric power plants. The Supreme Court stayed a court challenge to the plan's legal basis in early 2016, and the case is still pending in the U.S. Court of Appeals for the District of Columbia Circuit (E&E News PM, Sept. 21).

A separate challenge to EPA's regulations on emissions from new or modified plants is also pending.

"[A]ny replacement of the CPP is premature" until those issues are resolved, the Texas Commission on Environmental Quality wrote in comments submitted to EPA. The state Public Utility Commission and the state Railroad Commission, which oversees the oil and gas industry, endorsed the comments in an accompanying letter.

At the same time, Texas Attorney General Ken Paxton (R) is also arguing that the appeals court case should be frozen (Energywire, May 16, 2017).

The Obama-era plan would have set a cap on greenhouse gas emissions in each state and required regulators and power generators to meet the goal by making systemwide changes in the way power is generated and dispatched.

The Trump plan seeks to reduce emissions by improving the heat rate efficiency of existing power plants (Greenwire, Oct. 1).

The Texas agencies agreed with that approach, saying, "The EPA's previous stance ... in the CPP rule extended beyond what a source itself could implement and beyond EPA's authority by evaluating the electric grid and states' energy policies as a whole."

However, the Texas agencies said, the Affordable Clean Energy plan would still create a burden on state regulators because they'd have to take an inventory of the generating plants and develop standards to meet the efficiency guidelines.

EPA "severely mistakes" the cost of complying with the plan and the amount of time it'll take for states to comply, the Texas agencies said.

[BACK TO TOP](#)

# Environmental Defense Fund: Proposed Clean Power Plan Replacement Is “Appalling Abandonment” of EPA Responsibility

*EDF Submits Comments Calling on EPA to Drop “Arbitrary and Unlawful” Proposal*

<https://www.edf.org/media/proposed-clean-power-plan-replacement-appalling-abandonment-epa-responsibility>

Sharyn Stein- November 1, 2018

(Washington, D.C. – November 1, 2018) Environmental Defense Fund (EDF) is formally calling on the Trump administration’s EPA to abandon its attempt to replace the Clean Power Plan with a weak substitute that will not protect Americans from dangerous air pollution and climate change.

In August, Acting EPA Administrator Andrew Wheeler unveiled a proposal to eviscerate the Clean Power Plan and instead adopt a rule with no substantial limits on health-harming pollution from coal power plants. EPA’s public comment period on the proposal ended last night. EDF submitted comments with extensive detail on the ways the proposal is “unlawful and arbitrary” and dangerous for the American people:

“The Proposed Rule represents an appalling abandonment of EPA’s legal and moral responsibility to protect Americans from the climate and health impacts of power plant pollution,” EDF says in its submitted comments. “The Proposed Rule would take this country in precisely the wrong direction – exposing communities to more harmful carbon pollution and leading to more death and disease from soot and smog. This deeply harmful proposal violates the Clean Air Act and rests on a fatally deficient legal and technical record.” (EDF comments, pages ii and iii)

The Clean Power Plan establishes America’s only nationwide limit on carbon pollution from existing power plants. The common-sense plan would reduce climate pollution to 36 percent below 2005 levels by 2030, according to the Energy Information Administration. That would fulfill an important part of EPA’s legal obligation, repeatedly upheld in court, to protect Americans from the dangers of climate pollution. It would also reduce deadly soot and smog.

By contrast, Wheeler’s proposal contains no quantitative limits or compliance deadlines at all. It requires only that states consider whether power plants should adopt a narrow and ineffective set of operational efficiency tweaks. The proposal also cynically attempts to use a do-nothing carbon dioxide rule as an excuse for an unlawful rollback of longstanding protections against emissions of a variety of other harmful pollutants.

By EPA’s own estimates, Wheeler’s replacement rule could result in as many as 1,630 extra American deaths per year by 2030.

Wheeler’s proposal comes despite overwhelming scientific evidence – summarized in a recent report of the leading body of climate scientists – that deep emission reductions must take place immediately to reduce catastrophic hazards to human health and welfare.

In addition to filing its own comments, EDF also joined a large number of other environmental and conservation organizations to submit comments opposing the dangerous replacement plan:

You can read more about the Clean Power Plan on EDF’s website.

[BACK TO TOP](#)

## Chemical Watch: EPA's Jeff Morris lays out TSCA implementation priorities

*'Work to do' on new chemicals programme*

Kelly Franklin- 1 November 2018

People - Jeff Morris EPA

The US EPA will focus on meeting its statutory deadlines, establishing clear and predictable policies and increasing stakeholder engagement as it continues implementing the amended TSCA, stakeholders at the Chemical Watch US Regulatory Summit have heard.

Speaking to attendees in Arlington, Virginia, Jeff Morris – the EPA's director of the Office of Pollution Prevention and Toxics (OPPT) – laid out these three themes as the agency's main priorities as it enacts the 2016 Frank R Lautenberg Chemical Safety for the 21st Century Act.

Meeting statutory deadlines is "important for the credibility of the programme", said Dr Morris. "It was a tremendous responsibility ... and great potential benefit to society in enacting these amendments to TSCA, and meeting the challenges in the law through meeting the deadlines is critical to showing that we can do the job."

He also emphasised the need for a strong policy framework. Dr Morris said the agency hopes to set "clear, transparent and predictable decision logic" for how it makes determinations under the law.

"Every existing or new chemicals decision we make – how is it grounded, and is there clear policy?" he said.

But he added that even if the EPA meets its deadlines and gets its policy framework right, if it's not clear how it arrived at its decision, and if stakeholder feel that their voices are not being heard, then the agency "isn't setting it up the right way".

Focus on new chemicals

A common theme, heard from industry groups throughout the summit's TSCA panel, was concern over the new chemicals programme. And in Dr Morris' remarks, he agreed that there is "work to do there", and it is a "top priority".

Developing new policies is a necessarily slow process, he said.

"We're so immersed in all of these issues and it takes up so much of our time in working through individual cases," he said. "It's all about getting the policy framework right."

'It is worth spending the time ... and accepting the criticism of not being as rapid in our decision making as we would all like, [in order] to get the policy framework right'

Dr Morris added: "It is tremendously labour-intensive, and it has to be. And it slows things down – that is just the nature of things. But it is worth spending the time ... and accepting the criticism of not being as rapid in our decision making as we would all like, [in order] to get the policy framework right."

But he noted that this slowdown has contributed to the EPA not meeting its statutory deadline to make new chemical review determinations within 90 days.

He said that the agency does not technically fail to meet its deadlines, due to the option to extend them. "That said, it's clear from the statute ... it's our objective to complete those new chemical reviews in 90 days."

"That's an area ... where we're not there yet, and it is a priority for us in improving our work," he added.

Looking to 2019

Dr Morris said that complete buy-in from all stakeholder groups "isn't realistic". But he emphasised the need for "a clear understanding that people in various roles across the stakeholder community have had an opportunity to not only provide input but believe that their input was heard and considered in the work that we do in laying the groundwork for enacting the statute."

"We have invested quite a bit of effort and resources ... to try to be transparent," he said, including holding public meetings and webinars.

But he added: "I think we can do more, and I think we need to do more."

'I think we can do more, and I think we need to do more'

Part of that effort, said Dr Morris, is getting more information in the public sphere about the documentation underlying its decisions. This includes for new chemicals decision making, ongoing risk evaluations, and how the agency prioritises chemicals for these.

But he said that 2019 is the year for the EPA to "go beyond the obvious", and ask if there are other ways it can be more transparent.

Looking forward to TSCA's three-year anniversary, he said he anticipates a "very, very active discussion in both the new and existing chemicals space".

[BACK TO TOP](#)

## **Deltafarmpress: EPA extends dicamba registration for two years**

*Arkansas weed scientist Jason Norsworthy weighs in*

<https://www.deltafarmpress.com/soybeans/epa-extends-dicamba-registration-two-years>

David Bennett | Nov 01, 2018

The EPA has announced it will extend the registration of dicamba for two years for over-the-top use in dicamba-resistant crops.

Jason Norsworthy, University of Arkansas weed scientist, was unfazed by the news. "There's nothing there that surprised me. I've been in correspondence with the agency over the past few months, and I know they have been poring over a wealth of data. I do think what they have put out takes things a step further than where we were at in 2017 and 2018.

"I just want to caution everyone: what we've seen so far are talking points or modifications that will occur to the label, not the label itself."

Will what the agency is proposing be sufficient in addressing all the issues seen in grower fields?

"No. But, again, what needs to be pointed out is none of us has actually seen the label. My understanding is there isn't a physical label out, at least not publically at this point. It is difficult to comment on the new label until I can physically see it."

How might the new EPA label line up with the Arkansas State Plant Board regulations?

"I have no idea what the Arkansas Plant Board will do. It would be pure speculation. All I know is they next meet on Nov. 5. I do know the federal label hasn't greatly impacted how the state has managed dicamba."

The new EPA dicamba registration decisions include:

Only certified applicators may apply dicamba over the top (those working under the supervision of a certified applicator may no longer make applications).

"The question I have on that is: are they referencing all certified applicators? Certified commercial applicators? Certified private applicators? I don't think we'll be able to answer that until there's a physical label in front of you."

Prohibit over-the-top application of dicamba on soybeans 45 days after planting and cotton 60 days after planting.

"I don't see that being a lot different than where we are now. In soybeans, there's a reproductive restriction due to residue tolerance. Additionally, weed control in soybeans is generally completed by 45 days after planting. I don't know of many folks spraying soybean eight to nine weeks after planting.

"In cotton, we don't typically spray the crop over-the-top beyond 60 days after planting. Depending on where you are in Arkansas, we try to plant cotton mid-April to early May and we are spraying layby no later than July 1 in most years."

For cotton, limit the number of over-the-top applications from four applications to two applications (soybeans remain at two over-the-top applications).

"Originally, the label allowed four over-the-top applications. There was no real opportunity to spray cotton four times over-the-top. Taking it back to two is typically where most growers would be. Also, growers have glufosinate (Liberty/Interline) that can be used for pigweed control in XtendFlex cotton."

Applications will be allowed only from one hour after sunrise to two hours before sunset.

"I fail to see how this will have a significant impact on off-target movement. I assume the agency is trying to prevent spraying into an inversion. I think Missouri and Tennessee tried this in 2017 and it had no impact on the issues they dealt with."

In counties where endangered species may exist, the downwind buffer will remain at 110 feet and there will be a new 57-foot buffer around the other sides of the field (the 110-foot downwind buffer applies to all applications, not just in counties where endangered species may exist).

"What that tells me is the agency is saying because of volatility the product moves in multiple directions. They're trying to take an additional measure to protect endangered species. Prior to this, there was only a downwind buffer."

Clarify training period for 2019 and beyond, ensuring consistency across all three products.

Enhanced tank clean-out instructions for the entire system.

"These are the same comments that were made at the end of 2017 and going into 2018. It seems like these are some of the same bullets from previous years."

Enhanced label to improve applicator awareness on the impact of low pH's on the potential volatility of dicamba.

"That gets into some research I and colleagues elsewhere have conducted. We've found that when you add glyphosate to the spray tank and the pH is lowered, it increases the volatility of the spray mixture. I don't see them pulling glyphosate off the label even though we know it increases the volatility of the dicamba products."

Label clean up and consistency to improve compliance and enforceability.

[BACK TO TOP](#)

## Chemical Watch: US NGOs notify EPA of intent to sue over methylene chloride

*Groups press for TSCA section 6 rule to be finalised*

<https://chemicalwatch.com/71511/us-ngos-notify-epa-of-intent-to-sue-over-methylene-chloride>

Caroline Byrne- 1 November 2018

A group of NGOs, along with two women whose sons' deaths have been linked to exposure to methylene chloride, have filed a notice of intent to sue the US EPA if a ban on the substance is not finalised within the next 60 days.

Their action comes after a proposed rule under TSCA section 6 that would ban paint removers containing the solvent has stalled under the Trump administration.

Three organisations are involved in the action:

- the Labor Council for Latin American Advancement (LCLAA);
- Safer Chemicals, Healthy Families (SCHF); and
- the Vermont Public Interest Research Group (VPIRG).

They claim the EPA has breached its statutory obligation by failing to finalise a proposed ban on the substance, which has been linked to cancer, heart failure and sudden death.

Earthjustice attorney Jonathan Kalmuss-Katz, counsel for the Labor Council for Latin American Advancement, told Chemical Watch the claim is not about money: "The only relief we are seeking is for EPA to comply with the law by finalising the proposed ban on methylene chloride, a step the agency should have taken long ago."

The EPA responded to questions from Chemical Watch saying: The "EPA has historically been the subject of a number of lawsuits and we will review this one as well, but in the meantime the agency will continue to work towards a solution. EPA is currently evaluating the proposal and regulation of this substance and its uses to determine the appropriate regulation – and its legal defensibility."

The EPA proposed a prohibition on the use of methylene chloride (dichloromethane) in paint removal applications towards the end of the Obama presidency, but plans have not been carried through.

The agency announced in May, after a meeting with campaigners, that it would finalise a rule addressing methylene chloride "shortly". It has scheduled a December release for the final rule, according to its autumn semi-annual regulatory agenda update.

Meanwhile, major North American companies including Lowe's, Walmart, Home Depot, Autozone, Kelly-Moore and PPG have committed to phasing out products containing methylene chloride and NMP.

[BACK TO TOP](#)

## E&E News: Racist messages found at headquarters

<https://www.eenews.net/greenwire/stories/1060104941/search?keyword=epa>

Kevin Bogardus- November 1, 2018

EPA union officials are calling on the agency's leadership to respond to a series of racist incidents this fall at its Washington headquarters.

Racial slurs were scrawled on a scheduling whiteboard in the agency's public affairs office in the William Jefferson Clinton North Building. Nate James, president of American Federation of Government Employees Local 3331, and Joe Edgell, president of National Treasury Employees Union Chapter 280, sent an email obtained by E&E News to acting Administrator Andrew Wheeler, imploring him to respond.

"Affected employees were hurt and fearful with what they read and heard about," said the union officials in the email sent yesterday. "This is NOT an isolated incident, and the manner in which various agency management officials responded to this and prior incidents gives the perception that our agency does not care about the health, safety, or wellbeing of its African-American employees."

Edgell said in an interview that union representatives, managers and employees in the press shop met this morning to discuss the racist incidents.

"I do believe managers were taking this incident more seriously than they have in the past," Edgell said. "That said, it seemed there was a lack of creative solutions on what to do about the problem."

He added, "Some of these affected employees are really, really bothered by this, as we all should be."

EPA spokesman James Hewitt said Chief of Staff Ryan Jackson and the agency's political staff first learned of the racist messages yesterday. He confirmed the writings were on a whiteboard in EPA's press office on the second floor, which is occupied by career employees.

"EPA leadership will address this issue to reiterate we have zero tolerance for racism. We are investigating these acts and will reprimand guilty parties," Hewitt said.

Politico was first to report the racist incidents at EPA.

Wheeler recently faced criticism for "liking" a racist photo of former President Obama and first lady Michelle Obama in 2013 from his personal Facebook account. Wheeler has said that he found the post offensive and that it was likely an accident (Greenwire, Oct. 11).

In their email, union officials said the public affairs office also experienced "several similar terrorizing displays of racism" from September to October this year. They said management had witnessed "the hateful writings" but no one had informed employees on what steps were being taken.

They also noted that earlier this year, one employee in EPA's pesticides office returned to his desk to find a picture of a monkey with the N-word scrawled on it. How that incident was handled left the employee demoralized and caused two other victims of racist incidents not to speak up, according to the union officials.

EPA managers are still gathering the facts regarding what happened in the pesticides office at the Potomac Yard offices in Arlington, Va., according to the agency.

In addition, the union officials requested Wheeler send an email to all EPA employees condemning the racist comments and also provide training to managers on how to respond to such incidents. In addition, they asked for a face-to-face meeting with the acting EPA chief.



"There is no place for racism in EPA. Our federal employees are America's most valuable resource and should be protected," they said. "EPA management has so far been unwilling to take appropriate corrective action. We look to you to provide a workplace free from racism where all are treated with dignity and respect."

[BACK TO TOP](#)

## **E&E News: White House sped review of methane rule delay**

<https://www.eenews.net/greenwire/stories/1060104929/search?keyword=epa>

Niina Heikkinen- Thursday, November 1, 2018

In a rapid-fire review, the White House took just three days to evaluate EPA's proposal to give states more time to cut methane emissions from landfills.

The rule change, which affects emissions from municipal solid waste landfills, was published this week in the Federal Register. If it's finalized, states will have until August 2019 to submit their plans for cutting methane from those facilities. The proposed changes would also give EPA more time to draft a federal plan if necessary (Greenwire, Oct. 29).

In an email to EPA officials a day after the rule change was sent over for interagency review, a staffer in the White House Office of Information and Regulatory Affairs followed up to ask for additional information about the changes ahead of a meeting that appears to have been scheduled for that afternoon.

"I realize that this is very rushed, but if you have a power point already prepared I would be happy to circulate," wrote Chad Whiteman, an OIRA desk agent, on Oct. 16. "If not, you can just walk through the background, what the rule does and why it is needed, anticipated effect (any costs/benefits either quantified or qualitative), litigation, and timing."

Over the next couple of days, OIRA and EPA corresponded about a number of minor clarifying questions to the draft text. When EPA stated that costs and benefits of harmonizing the timing requirements "cannot be quantified," OIRA noted the agency should ask for comment about that assertion.

John Walke, director of the Natural Resources Defense Council's clean air, climate and clean energy program, suggested two possible explanations for why OIRA might complete a review quickly, although the speed in this case is unusual. Walke noted he was not closely tracking the administration's actions on this specific rule.

One possibility is that EPA and OIRA had been discussing the timeline change over the phone and there was an urgency to hasten the review. Or the nature of the change — shifting deadlines for plan approvals — was simple enough that it did not require an extensive White House review.

Even if OIRA could technically complete a review of the proposal rapidly, Walke pointed to another problem with the timeline.

"That still suffers from the defect that it gives OIRA no time to meet with the public," Walke said.

Amit Narang, a regulatory policy advocate with Public Citizen, saw the delay in the rule as part of a broader pattern within the Trump administration.

"We have seen multiple instances of EPA trying to delay or not enforce EPA rules and getting shot down in court. This is an effective rule repeal when you delay it this long," he said.

OIRA did not respond to a request for comment on the speed of the proposal review.

Just before 5 p.m. Oct. 18, EPA staff received another email from Whiteman, asking for a clean copy of the proposal. "We have no further comment," Whiteman wrote. "We would like to conclude review today if possible."

About two hours later, OIRA informed EPA the review of the proposed change was complete.

[BACK TO TOP](#)

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